

## **MINUTES OF THE DAVIDSON COUNTY ELECTION COMMISSION**

### **March 18, 2010**

The Davidson County Election Commission (DCEC) met at 3:00 p.m. on, March 18, 2010 in the Metro Office Building. Commissioners Lynn Greer, Eddie Bryan, A.J. Starling, Patricia Heim, and Steve Abernathy were present. Also, present Ray Barrett (AOE) and Pat Novotny.

Chairman Lynn Greer convened the meeting.

**Approval of February 19, 2010 Minutes** - Chairman Greer stated minutes for February 19, 2010 meeting need to be approved. Commissioner Heim made motion to accept, seconded and motion carried.

**Certify City of Berry Hill Election** - Chairman Greer stated the turn-out was 54 people at the cost of \$3,672.00. Commissioner Heim made motion to certify City of Berry Hill election results as presented, seconded by Commissioner Starling, motion carried.

**Appoint Early Voting workers for May 4, 2010 Election** - Chairman Greer stated need to appoint early voting workers for May 4th election. Commissioner Heim made motion to approve the republican early vote workers, seconded and motion carried. Commissioner Starling made motion to approve the democratic early vote workers, seconded and motion carried.

**Appoint poll workers for: Election Day, nursing homes, prison deputies, counting board and inspectors for May 4, 2010 Election** - Commissioner Heim asked if a staff person could be appointed to serve. AOE Barrett stated you could. Commissioner Heim made motion to approve for republican nursing homes, prison, absentee counting and inspectors as presented, seconded by Commissioner Abernathy, motion carried. Commissioner Bryan made motion to approve for democrats, seconded by Commissioner Starling, motion carried. Commissioner Heim asked if they had Election Day workers yet. AOE Barrett said yes, new people have not been trained and will be assigned as they are trained. Chairman Greer stated we need to approve those today. Commissioner Heim made motion to approve, seconded, motion carried.

**Lock ballot boxes for Early Voting and Election for May 4, 2010** - AOE Barrett stated Betty Gilbert would like for boxes to be locked on Early Voting day, there are only 4 or 5 boxes. Commissioners Starling and Abernathy agreed to get with Betty Gilbert at warehouse to lock boxes, she is to call them.

**Discuss Budget** - Chairman Greer asked for budget report. Pat Novotny stated copies of budget are in packets - budget shows Actual Budget in first column - second column shows third quarter year to date budget - third column is February Actual expenses and the fourth column is the Variance, which represents the percentage difference between third quarter and the actual. She stated \$600 has been spent so far this year in overtime, and that wasn't for any of our employees, but for Parks for staying open. She stated that she believes they are on target in regular pay, and after running total for rest of year would probably have a surplus of \$19,000.00 at end of fiscal year. Chairman Greer asked if she still thinks they will come in under budget this year - she answered she thinks so. Chairman Greer asked for a ballpark figure - she quoted \$50,000

surplus. Ms. Novotny reported their next budget meeting with mayor is scheduled for Monday, March 29th at 11:15 a.m. Chairman Greer stated he told AOE Barrett that he intends on speaking to them concerning our plea for fixing the salaries and explain per diem for poll workers.

**Evaluation of AOE** - Chairman Greer stated when going through budget process, Ray volunteered to reduce his salary right at \$3,000 or 3%, in order to help keep from letting one more person go. He stated we are now going to finish this year under budget, and he wants to bring up another issue related to that - state law TCA 2-12-208 says: the local election commissioners will pay their election administrators of election 90% of the assessor's salary. The assessor's salary in 2008 was \$106,906.00, and Metro added an \$8,000.00 supplemental to this which increased compensation to \$114,906.00. Chairman Greer stated 90% is \$103,415.00 and Ray is making less than that. Chairman Greer stated he would like to make a recommendation to restore his salary effective, July 1, 2009 to where it was, seconded. Commissioner Bryan stated if we are going to restore salaries for one, they all should be restored equally. Chairman Greer stated we do not have that authority. Commissioner Bryan stated he knows that, but the man that does works for us, and some were cut pretty sharply. Chairman Greer stated the ones he was talking about were being paid over their range and they have moved them back within their range that HR set-up for them. Commissioner Heim stated she wanted to go on record, when you met with each of us, she brought up that she was fine in reducing salaries, so long as it doesn't go under the state minimum and she knows as a body they never voted on officially reducing the salary, so technically he is entitled to go back to July 1. She stated in discussing the salary reduction, she did not want it to go below state minimum - state minimum did not change on July 1, and she does not like being put in a position, where someone could question that we violated the law, and we never formally voted to reduce it, we accepted what he chose to do, but she wanted to say, she doesn't think it's good practice to do something like that, that knowingly violates the law. She said, personally that was important for her to say, if you wanted to reduce your salary, that's fine, but I did not want to see it go below state minimum, because we have a responsibility to follow the law. She stated she was disappointed that she did not know that until today that he was being paid less than state minimum, because that was never her intent. She stated she wants to restore it retroactive to July 1. Commissioner Heim made motion to restore retroactive to July 1 our administrator's salary to state minimum of \$103,415.00, seconded. Commissioner Abernathy asked if we as commissioners decide in the future, if Ray chooses to leave the position, or we choose to ask Ray to resign his position, and we bring in someone new - are we required by law to pay them exactly the same amount we are paying Ray right now. Commissioner Heim answered not unless they are certified. Commissioner Starling stated he was concerned about the retroactive part. Chairman Greer stated it has already been cleared through Metro HR and finance to pay retroactive, and they only need a letter from the chairman authorizing based on action of this committee. Motion Carried. Commissioner Starling asked if we come up with a \$50,000 surplus, we did have some other individuals that were cut as well, can that surplus be used to restore some of their money that was taken away. Commissioner Heim stated we already have a 7½% cut going forward for next fiscal year, and she didn't think you would want to give something now, and have to take it away again on July 1. These employees had been over compensated since before and after 2004, and they are in line right now.

**Administrator's Report** - AOE Barrett reported that the commissioners authorized to give Mama Tune a plaque, Mama Tune will not be able to come in, she is in a nursing home at McKendree Village. AOE Barrett suggested a few go out to visit her and present the plaque to her there. It was agreed to get a time that was good for her, possibly a Friday, and some will go out to see her. AOE Barrett talked about electronic poll books. He reported that they now have 180 computers, so they have enough for every precinct. These people that are wanting to try the electronic poll vote, using our computers, would like to do this in the May election. He said he told them he would bring it up and that's what he was doing. Commissioner Heim asked if we could let them try them on a city election first. AOE Barrett thought that would be better. Commissioner Heim suggested maybe Oak Hill. After discussion it was agreed to let them try on Oak Hill city election. Commissioner Heim asked about the email ballot legislation that passed. AOE Barrett stated it will match the federal, they will be able to email ballots out, the problem will be how we get them back. The federal government and state will have to work that out, you cannot email the ballot back, it has to come back in the mail.

**Any old / new business** - Commissioner Heim stated corrections need to be made in the minutes from January. They incorrectly listed the replacement for Tune - was going to be Creekwood Baptist, it should be Eagle Christian Church. We did not list temporary place for McCabe Park Clubhouse, needs to be listed as Community Center. We just listed Elm Hill Pike for Community Church of Christ - we need to list it as Whitworth Baptist Church. We did not include anything in minutes about Crieve Hall School moving to Crieveview Baptist Church. Commissioner Heim made motion to approve a correction to our January minutes and have it placed in these March minutes, seconded by Commissioner Starling, motion carried.

**Set date and time for next meeting** - Chairman Greer stated need a meeting for after May 4th, May 4th is primary date, have to meet within 10 days to certified. AOE Barrett said they changed the law on that - now it's the 3rd Monday after election. Chairman Greer set date for Monday, May 24th at 1:30 p.m.

There being no further business before the Commission, the meeting was adjourned.

---

Lynn Greer, Chairman

---

Patricia Heim, Member

---

A. J. Starling, Member

---

Eddie Bryan, Secretary

---

Steven Abernathy, Member